



U. S. Department of Justice

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Western District of Missouri*

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February 7, 2005

Ms. Anita L. Burns
Assistant Federal Public Defender
Federal Public Defender's Office
818 Grand, Suite 300
Kansas City, Missouri 64106

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819 Walnut, Suite 109
Kansas City, Missouri 64106

Mr. David L. Owen, Jr.
Assistant Federal Public Defender
Federal Public Defender's Office
818 Grand, Suite 300
Kansas City, Missouri 64106

Re: United States v. Lisa M. Montgomery
No. 05-06002-01-CR-SJ-GAF

Dear Counsel:

As you are aware, your client, Lisa M. Montgomery, is presently charged with kidnapping resulting in death, in violation of Title 18, United States Code, Section 1201(a). This crime is a capital offense which carries the potential of the death penalty. I wish to advise you that it is presently my intention to request the United States Attorney, Todd Graves, to seek authorization from the Attorney General to seek the death penalty against Ms. Montgomery in the event of her conviction. Should Mr. Graves approve my request, the case will then be reviewed by the Capital Case Review Committee at the Department of Justice. The final decision to file a notice to seek the death penalty pursuant to Title 18, United States Code, Section 3593(a) will be made by the Attorney General.

In order to ensure that this decision is made with the benefit of all pertinent information, you are invited, at your earliest convenience, to provide this office with any facts, including statutory and non-statutory mitigating factors, which you believe would benefit your client in making this determination. The United States Attorney and the Attorney General's Review Committee will evaluate the information you provide as well

Exhibit Q


as with all other information developed during the course of the investigation in order to decide if this is an appropriate case for the imposition of the death penalty. As mentioned previously, the ultimate decision of whether to seek the death penalty will be made by the Attorney General.

Inasmuch as there are time constraints in this matter, any presentation you wish to make to the United States Attorney must be done by May 1, 2005. A decision to make a presentation to this office or a declination to do so will not preclude your ability to make a presentation to the Attorney General's Review Committee at a later date.

If you have any questions regarding this matter, please do not hesitate to contact me at any time.

Sincerely,

Todd P. Graves
United States Attorney

By 
Matt J. Whitworth
Deputy United States Attorney
Criminal Division

MJW/db

cc: The Honorable Gary A. Fenner
United States District Judge

The Honorable John T. Maughmer
Chief United States Magistrate Judge

Todd P. Graves
United States Attorney

Roseann Ketchmark
First Assistant United States Attorney

Cynthia Phillips
Assistant United States Attorney